

競委會就行業協會的入會規則發表意見公告 Commission advises on trade associations' membership admission rules

競委會於 2021 年 7 月發表了一份意見公告，並列舉多個假設示例，讓行業協會¹及其會員了解在《競爭條例》下，有關入會條件及程序可能涉及的競爭風險。

當成為某行業協會的會員是參與市場競爭的先決條件時，業務實體若被排除於協會的會員名單外，其參與競爭的能力將受到嚴重影響。在這些情況下，不合理及過於嚴格的入會條件或程序等反競爭行為，尤其具破壞性。



舉例來說，若某企業或人士被排除於會員名單以外，他們可能無法獲得有關的認可資格、政府資助或其他優勢。在體育界，團體或個人或許需要成為體育協會的會員，才可使用某些體育設施或參與國際體育賽事，例如奧林匹克運動會等。

因此，行業協會所制定的入會規則，均應旨在於維持該行業、體育或其他活動的質素及標準。任何企業或人士若符合入會條件，並依循相關入會程序，行業協會便應批准他們成為會員。

競委會在其《第一行為守則指引》中，訂明行業協會的入會規則應該具透明度、合乎比例、不含歧視成分、按客觀標準訂定及可就入會被拒提出上訴，而不符合上述要求的入會規則，或會被競委會視為具有損害競爭的目的或效果。

競委會呼籲所有行業協會根據指引主動審視其入會規則，如有需要應作出適當修改，以確保符合《條例》的規定。

請[按此](#)瀏覽意見公告及常見問題。

The Commission published an Advisory Bulletin in July 2021 with practical examples based on hypothetical scenarios to raise the awareness of trade associations¹ and their members about the potential risks under the Competition Ordinance related to membership admission criteria and procedures.

Where membership of a trade association is an essential pre-condition for competing in a market, exclusion from membership can significantly impact an undertaking's effectiveness as a competitor. In these circumstances, anti-competitive conduct such as unreasonable and unjustifiably strict membership criteria or procedures may be especially damaging.

1 「行業協會」泛指並包括（但不限於）行業、體育、專業及工商協會／組織。

"Trade associations" are defined broadly and include, but are not limited to trade, sporting, professional and industry associations/bodies.

For example, exclusion from membership may deprive a business or individual of the accreditation, government subsidies or other advantages which are available only to members. In the case of sports, membership of a sporting association may entitle its members access to certain sporting facilities or participation in international sports events such as the Olympic Games.

As such, trade associations should ensure that their rules for admission serve only to safeguard the quality and standards of the trade, sporting or other activities they deal with. They should admit any business or individual which meets the admission criteria and complies with the admission procedures.

As set out in the Commission's Guideline on the First Conduct Rule, the rules for admission to membership of a trade association should be *transparent, proportionate, non-discriminatory, based on objective standards, and subject to appeal in the event of a refusal to admit a party to membership*. The Commission may view rules for admission which do not satisfy these requirements as having the object or effect of harming competition.

The Commission calls on all trade associations to actively review their admission practices in accordance with the guidance and to make changes where needed to ensure compliance with the Ordinance.

Click [HERE](#) to view the Advisory Bulletin & FAQs.

競委會在立法會報告 2020/2021 年度執法工作進度 Enforcement highlights in 2020/2021 reported at Legislative Council



競委會在 2021 年 7 月的立法會經濟發展事務委員會會議上報告工作進度。過去一年，縱然面對 2019 新冠病毒疫情的挑戰，競委會各方面的工作均進展良好。競委會全面運

作近六年，已就七宗案件展開訴訟，在競爭事務審裁處已經作出裁決的五宗案件中，除了其中一宗較早期入稟的案件對一名答辯人的裁決外，競委會全獲判勝訴。其餘兩宗案件則有待聆訊。

在 2020/2021 年度，審裁處共就四宗案件的罰則作出裁決，頒令業務實體及個人繳付罰款及訟費，並頒下香港首個因違反《競爭條例》而發出的取消董事資格令。

此外，競委會亦就香港首宗濫用相當程度市場權勢而涉嫌違反「第二行為守則」的案件，入稟審裁處。除了入稟法院外，競委會在合適的情況下，亦採用了訴訟以外的補救方法處理競爭問題，包括就數宗個案發出違章通知書及接受承諾。

As reported at the Legislative Council Panel on Economic Development Meeting in July 2021, the Commission has progressed well across its different facets of work over the past year despite the challenges posed by the COVID-19 pandemic. Within six years of its full operation, the Commission has commenced proceedings in seven cases and was successful in all five cartel cases already ruled by the Tribunal, except as against one respondent in one of the earlier cases. The other two cases are yet to be heard.

In 2020/2021, the Tribunal has handed down judgments on sanctions in four cases ordering undertakings and individuals to pay fines and legal costs as well as issuing Hong Kong's first director disqualification order for contravention of the Competition Ordinance.

The Commission has also filed Hong Kong's first abuse of substantial market power case in contravention of the Second Conduct Rule before the Tribunal.

On top of litigation cases, the Commission has resolved competition concerns through non-litigation remedies provided under the Ordinance where appropriate. These included issuing infringement notices as well as accepting commitments in a number of cases.



港大隊伍以打麻雀比喻競爭法 榮膺宣傳挑戰賽冠軍 HKU team won advocacy challenge with mahjong analogy for competition law

競委會的大專生宣傳教育活動 2021「玩•PO•競」社交媒體挑戰賽已圓滿結束，最終由香港大學隊伍「Just Four」榮膺冠軍。今屆挑戰賽共有超過 180 支隊伍報名參加，當中 15 支入圍隊伍在 4 月期間，於社交媒體平台發布帖文，推廣競爭法。

冠軍作品充滿創意，把市場上幾類反競爭行為的抽象概念，轉化成一齣以打麻雀為背景的幽默微電影，令大眾產生共鳴。我們與作品的其中一名幕後策劃黃凱琪同學（Michelle）談過，了解她參加這次比賽的心路歷程。



競委會：你們為什麼會以打麻雀來闡述競爭的概念？

Michelle: 我們曾經絞盡腦汁，構思如何能夠以有趣吸引的手法，推廣競爭法。由於深入探究法律概念對公眾而言可能較為乏味，亦過於專門，所以我們決定用打麻雀這個大部分香港人都熟識的活動，來比喻市場，以輕鬆、深入淺出的手法帶出重要訊息。

競委會：參加這次比賽的最大挑戰是什麼？

Michelle: 我們就讀法律系，對傳達競爭法的概念固然有幫助，但寫劇本、剪接和平面設計等製作方面的知識，我們卻一竅不通，一切都要從頭學習。幸而多得競委會及幾位導師指導，總算能在短時間內學懂這些技能。

競委會：你從這次比賽中最大的得著是什麼？

Michelle: “Less is More”（簡單就是好）。對一般人來，競爭法可能是相當抽象複雜的概念。我們以微電影及圖文資訊的形式介紹，每次只集中講述一種行為，公眾會較容易消化。我們在比賽期間按社交平台追蹤者的喜好調整策略，亦是令觀眾人數持續增長的重要因素。

競委會：你可以和我們分享於競委會實習期間的體驗嗎？

Michelle: 這次實習獲益良多，令我大開眼界。期間有機會參與競委會的社交媒體平台容製作，是個很好的機會，讓我學習到如何在傳遞專門知識之餘，同時加入有趣元素，從而吸引網民關注。

[按此](#)瀏覽各勝出隊伍如何推廣競爭法。



The Commission's tertiary education campaign, "Post to Compete" Social Media Advocacy Challenge 2021, has ended on a high note with Team "Just Four" from the HKU named champion. Over 180 teams signed up for the contest this year with 15 teams shortlisted to compete in April by publishing feeds on social media platforms to promote competition law.

The champion was commended for their creativity in transforming the abstract concepts of anti-competitive conduct in the market into an amusing micro-movie against a mahjong game setting that would resonate with the general public. We have talked to Michelle Wong, one of the masterminds behind this winning piece, about her journey throughout the Challenge.

CC: Why did you use mahjong game to explain competition concepts?

Michelle: We brainstormed extensively on how to promote competition law in an interesting and appealing way. While diving deep into legal concepts might be dull and too technical for the public, we decided to use Mahjong, which is a popular game to most Hong Kong people, as an analogy to deliver the key messages in a light-hearted and easy-to-understand manner.

CC: What were the key challenges encountered in the contest?

Michelle: We study law so it certainly helps in our delivery of competition law concepts. However, production tasks such as scriptwriting, video editing and graphic design were all new to us so we had to learn from scratch. But thanks to the coaching from the Commission, and our mentors, we managed to acquire these skillsets in a short period of time.

CC: What is the key takeaway from the contest?

Michelle: “Less is More”. Competition law might be an abstract and complex concept for laymen. It would be easier for the public to digest when we cover only one conduct each time in the form of mini-movie and infographics. Fine-tuning our strategy along the way to cater for our followers’ preference is also vital for a more sustainable growth of our audience base.

CC: How would you describe your internship experience?

Michelle: It was a very rewarding and eye-opening experience for me. I got a chance to help with content production for the Commission’s social media platforms and it was a good opportunity for me to learn how to strike a balance between technical knowledge and interesting elements to engage the netizens.

Click [HERE](#) to see how the award-winning teams promote competition law.

登記參加《競爭條例》網上講座

Sign up for webinars on Competition Ordinance

在過去 5 個月，競委會舉辦了 3 場《競爭條例》網上講座，其中一場重點講解合謀定價行為，對象為零售界。競委會亦派代表參與了 15 場網上或現場活動，接觸不同持份者。

競委會將於 9 月舉辦兩場《競爭條例》網上講座，其中一場特別為酒店及旅行社業界而設，另外一場（以英語進行）則歡迎所有企業及公眾參與。名額有限，請從速[報名](#)！



Over the past 5 months, the Commission organised 3 webinars on the Competition Ordinance, with one of them focusing on price fixing for the retail sector. Representatives of the Commission also participated in 15 engagement events in either online or physical format targeting different stakeholders.

Two webinars on the Competition Ordinance are coming in September. One of them is exclusively for the Hotel and Travel Agents Sectors while the other is a general webinar for all businesses and members of the public (in English). [Sign up](#) now before they are full!

競委會勇奪 6 個本地及國際獎項 Commission scooped 6 local and international awards

競委會的倡導工作及機構管治，在 2021 年共獲得 6 個本地及國際獎項。

The Commission has scored 6 local and international awards in 2021 for its advocacy work and corporate practices.



項目 Items	獎項 Awards received	頒發機構 Awarded by
《愛•由自己定價》 教育短片 “It’s My Call” Infotainment Series	Questar Awards 2021 「非牟利機構：公眾教育組別」 銀獎 Silver in the category of “Non-Profit Organisations: Public Awareness”	Questar Awards 2021
「打擊合謀定價」 宣傳活動 “Combat Price Fixing Cartels” Campaign	Communicator Awards 2021 「宣傳活動——非牟利組別」 大獎 Winner in the category of Campaign – Non-Profit	美國互動及視覺藝術學院 Academy of Interactive & Visual Arts
2019/20 年報 2019/20 Annual Report	2019/20 Vision Awards 年報大賽 「政府組別」 金獎 全球 100 份最佳年報 2019/20 Vision Awards Annual Report Competition Gold in the category of “Government” Top 100 Reports Worldwide	美國通訊專業聯盟 League of American Communications Professionals
官方網站 Official Website	2020-2021 無障礙網頁嘉許計劃 三連金獎 Web Accessibility Recognition Scheme 2020-2021 Triple Gold	政府資訊科技總監辦公室 及香港互聯網註冊管理有限公司 Office of the Government Chief Information Officer and Hong Kong Internet Registration Corporation Ltd.
家庭友善企業政策 Family-friendly company policies	平等機會僱主（家庭崗位平等） Equal Opportunity Employer (Family Status Equality)	平等機會委員會 Equal Opportunities Commission
致力實施保障個人資料 私隱的措施 Continuous efforts in promoting the protection of personal data privacy	「私隱之友嘉許獎」銀獎狀 “Privacy-Friendly” Silver Certificate	個人資料私隱專員公署 Privacy Commissioner for Personal Data